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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,000

Applicant(s)

QUBTI ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. The response to election restriction filed on 9/8/2006 has been received and entered. The response was accompanied by an Amendment re-joining the groups; thereby, producing for examination the only group remaining in the application. The restriction requirement is hereby withdrawn. Claims 1-20 are now pending.

Claim Objections

2. Claims 1-16 are objected to because of the following informalities:

Claims 1, 4, and 8, recite “for use”, “for recording”, “for performing”, “for corresponding”, and “for processing”, respectively, all of which constitute Intended use and does not carry patentable weight since it never has to occur. Claims should be amended to recite more firm and positive language such as “to”, “that”, or simply the present tense of the verb removing “for”. Appropriate correction is required.

In claims 8, line 8, and 16, line 2, the recitation of “*for* an originator” should be changed to “*of* an originator” for proper direct language, to avoid intended use consideration, and for better grammar sense. Appropriate correction is required.

Dependent claims 2-7, and 9-15, all start with the recitation “A system” and “A network application” which is improper antecedent basis suggesting the introduction of a new system to perform the elements of the respective claim while in fact they are

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continuation of the main system/ Network application claimed in Independent claims 1, and 8; thus, needing to be referenced as such (i.e. The system of claim 1). Appropriate correction is required.

Claim 8 starts with the recitation "An network application" which improper grammar. It should state "A network application" instead. Correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, and 8 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

The claim's preamble Claims should be amended to recite more direct language such as "is" or "to" or "that" and to state both the "system" and the "A network application" are computer implemented. Claim 1, should be amended to, for example, recite "A computer system with a database application operating on a computer". Claim 8 should be amended to, for example, reciting "A computer network application to process".

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5. Claims 1, and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are software per se only since they raise the question to whether the table, interface routine, and modules would all reasonably be interpreted by one of ordinary skill in the art in view of Applicant's disclosure as potentially being software routines. If so, the claims includes an embodiment directed to software, per se, since the claimed system lacks inclusion of the hardware necessary for any of the underlying functionality to be realized. Software or program needs to be stored on a medium and/ or executed by a computer. For those claims to be statutory, at least one of the elements in the body of the claim must include hardware in accordance with the disclosure.

Although, Independent claim 1, started out reciting a “system” that comprises a “code device” and even though the claim may sound like it has structural elements, sometimes elements that are named for their function are specified as being software/ application programs. With no other structure in the same claim or any dependents to rely on, the alleged “system” is not necessarily a computer system and/or hardware only.

Similarly, Independent claim 8, is directed to “A network” which isn’t always a computer network. The claim should clearly indicate the network to be a computer network.

Furthermore, there isn’t enough support in the specification to a “code device” being a computer. The claims should clearly recite a “computer network” and a “computer device/node”.

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6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the interface windows" in 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the creation" in 4. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 12-15 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 12-15 appear to be directed to "A system according to claim 8" although, Independent claim 8 is directed to "A Network Application" therefore making it unclear what the applicant regard as their invention. These claims are evidence indicating that the invention is different from what is defined in the claim(s) because the claims' dependency must change or the introductory recitation must be amended to recite "The network application according to claim 8". Correction is required.

Claim Rejections - 35 USC § 102

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, and 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shea et al. (U.S. Pub. No. 2005/0197952 A1).

As to claim 1, Shea et al. discloses a system for use with a database application operating on a code device communicating with other code devices via a network, comprising:

a table of fields (See Figure 21, Database Tables), including:

a task identification field to provide a unique identification number associated with an open item (See page 7, paragraph 0084, and see page 8, paragraph 0090);

personnel identification fields to identify personnel involved in the task, including at least an originator of the task (See Figure 21, shows field labeled “author” reading on “originator”);

a text field to provide comments regarding the task (See Figure 23); and

a status field to indicate a current status of the task, said status field including a status indicating closure of the task, said closure status being access restricted to said personnel other than the originator (See Figures 16, and 18-19, shows task status, enabled or disabled);

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a graphical user interface routine to create a graphical user interface by the other code devices and including in the interface windows corresponding to the task identification, personnel identification, text, and status fields in the table (See Figures 18, 19, shows management of subscription interface);

and a notification engine to automatically notify at least one personnel other than the originator when the task is created and at least the originator when the status of the task is altered thereafter (See Figure 5, S240, also see Figure 14, shows notice data creation example for each task).

As to claim 5, Shea et al. discloses including a feedback software routine to prompt the task originators to approve and close business tasks that they had originated (See Figure 28, shows approval of tasks).

As to claim 6, Shea et al. discloses wherein the status field is modification-enabled only to the originator and system administrators (See Figure 16, shows roles and permissions, also see page 8, paragraph 0093).

As to claim 7, Shea et al. discloses including a network access software routine to interface the data receiving system with a network (See page 5, paragraph 0055).

As to claim 8, Shea et al. discloses a network application for processing tasks through a business environment via a network, the network application operating in conjunction with a database application on a database, comprising:

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a database interface to coordinate by a graphical user interface the creation of a database table having relational fields (See page 5, paragraph 0055, also see page 5, paragraph 0061) including:

a unique task identifier field to contain a database-defined unique identifier for each new task entered into the database that is unique from all other identifiers of all other tasks (See page 12, paragraph 0143, also see Figure 29);

an originator field to contain a unique identifier for an originator of said task (See Figure 21, shows field labeled “author” reading on “originator”);

a statement of task field to contain a textual statement corresponding to said task (See Figures 13-14, shows task description);

a responsible entity field to contain a unique identifier for an entity responsible for said task (See page 10, paragraphs 0114-0117);

said unique task identifier field keyed to said originator field, said statement of task field, and said responsible entity field (See Figure 21, shows field labeled “author” reading on “originator”);

a module to interface selected database information to a network (See page 5, paragraph 0055, also see page 5, paragraph 0061); and

a notification engine to automatically create a notification to the responsible entity via the module and the network of the creation of a task keyed to the responsible entity in the responsible entity field, and to automatically create a notification to the originator via the module and the network of the completion of the task by the responsible entity (See Figure 5, S240, also see Figure 14, shows notice data creation example for each task).

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As to claim 9, Shea et al. discloses including a search engine tied to the database table to provide searchable entries for currently open tasks, for a given originator (See Figure 19, 1800, shows “search” button).

As to claim 10, Shea et al. discloses wherein the origination field includes:

an originator field to contain a unique identifier for an originator of said task (See Figure 21, shows field labeled “author” reading on “originator”); and

an originator group field automatically identifying, based on said originator field, a supervisor of a workgroup including the originator of said task (See page 10, paragraphs 0117-0119) ;

the table (See Figure 21, Database Tables) further including:

a statement of task field to contain a textual statement corresponding to said task (See Figure 21, shows field labeled “author” reading on “originator”); and

a responsible entity field to contain a unique identifier for an entity responsible for said task (See page 12, paragraph 0147);

said unique task identifier field keyed to said originator field, said statement of task field, and said responsible entity field (See page 8, paragraph 0090, also see page 11, paragraph 0130).

As to claim 11, Shea et al. discloses wherein the notification engine creates

(1) a first graphical user interface automatically created and communicated to the supervisor via the module whenever an originator creates a new task, said first graphical user interface including said relational fields corresponding to the new task and tools to

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approve, modify, or reject the new task (See page 10, paragraphs 0116-0118, also see page 12, paragraph 0142-0143);

(2) unless the supervisor rejects the new task, a second graphical user interface automatically created and communicated to the entity responsible for the new task via the module, said second graphical user interface including said relational fields corresponding to the new task and tools to report on status and progress of said new task (See page 10, paragraphs 0116-0118, also see page 12, paragraph 0142-0143).

As to claim 12, Shea et al. discloses wherein the database further includes a second table containing administrative information to automatically populate the originator field, originator group field, and responsible entity field based on predefined selection options (See page 10, paragraph 0120, also see page 12, paragraph 0143).

As to claim 13, Shea et al. discloses wherein:

the database table further includes a priority field to identify a priority level of said task, and a due date field to identify a due data associated with the task (See page 9, paragraphs 00104-0106); and

wherein the notification engine further provides an automatic email notification to the originator at a set time relative to the due date (See page 6, paragraph 0068).

As to claim 14, Shea et al. discloses wherein the database table further includes a responsible subgroup identification field and an originating subgroup identification field to identify, respectively, a subgroup within the workgroup including the originator (See

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Figure 14, also see Figures 18-19, all show assignments, roles, organization structure).

Allowable Subject Matter

11. Although no rejections in view of prior art are made with respect to claims 2-4, and 15-20, no claims in this application will be indicated as allowable until after a response to this action has been reviewed, as to the fact that certain changes may not produce allowable claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-Form 892 for list of Cited Art.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'N. Abel-Jalil', with a large, sweeping flourish extending to the left.

Neveen Abel-Jalil
November 27, 2006